



GAU 1615

PATENT

Attorney Docket No. CONLINCO-03681

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Asgeir Saebo *et al.*

Serial No.: 09/271,024

Group No.: 1615

Filed: 03/17/99

Examiner:

Entitled: CONJUGATED LINOLEIC ACID COMPOSITIONS

INFORMATION DISCLOSURE
STATEMENT TRANSMITTALRECEIVED
APR 18 2000
TECH CENTER 1600/2900Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: April 10, 2000

By:

Mary Ellen Waite

Sir or Madam:

Enclosed please find an Information Disclosure Statement and Form PTO-1449, including copies of the references contained thereon, for filing in the U.S. Patent and Trademark Office.

A check for \$240.00 is also enclosed pursuant to 37 C.F.R. § 1.17(p) for filing this Information Disclosure Statement after three months as set forth in 37 C.F.R. § 1.97(c).

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: April 10, 2000

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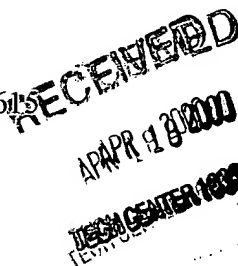


PATENT
Attorney Docket No. CONLINCO-03681

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sæbo, *et al.*
Serial No.: 09/271,024
Filed: 03/17/99
Entitled: **CONJUGATED LINOLEIC ACID
COMPOSITIONS**

Group No.: 1615
Examiner:



INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 10, 2000.

By: Mary Ellen Waite
Mary Ellen Waite

Sir or Madam:

The citations listed below, copies attached, may be material to the examination of the above-identified application, and are therefore submitted in compliance with the duty of disclosure defined in 37 C.F.R. §§ 1.56 and 1.97. The Examiner is requested to make these citations of official record in this application.

The following printed publications are referred to in the body of the specification:

- U.S. Pat. No. 5,585,400;
- U.S. Pat. No. 5,674,901;
- U.S. Pat. No. 5,430,066;
- U.S. Pat. No. 5,554,646;
- U.S. Pat. No. 5,428,072;

- U.S. Pat. No. 2,350,583;
 - British Pat. No. 558,881;
 - U.S. Pat. No. 4,164,505;
 - U.S. Pat. No. 2,242,230;
 - U.S. Pat. No. 4,381,264;
 - U.S. Pat. No. 3,162,658.
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- Birt *et al.*, Cancer Res., 52:2035-s (1992);
 - Ha *et al.*, Cancer Res., 50:1097 (1990);
 - Ip, Am. J. Clin. Nutr., 66(6):1523s (1997);
 - Jensen *et al.*, J. Dairy Science, 43:231 (1990);
 - Shanta *et al.*, Food Chem., 47:257 (1993);
 - Shanta *et al.*, J. Food Sci., 60:695 (1995);
 - Parodi *et al.*, J Dairy Sci., 60:1550 (1977);
 - Chin *et al.*, J. Food Camp. Anal., 5:185 (1992);
 - Chin *et al.*, J. Nutrition, 124:694 (1994);
 - Holman *et al.*, PNAS, 88:4830 (1991);
 - Green *et al.*, Am. J. Public Health, 84: 722 (1974);
 - Marcel *et al.*, Lipids 32 (10): 1019-34 (1997);
 - Haraldsson *et al.*, Acta. Chem Scanned 45: 723 (1991);
 - Kepler *et al.*, J. Nutrition, 56:1191 (1966);
 - McGraw-Hill Encyclopdedia of Science and Technology, McGraw-Hill Book Co., N.Y. 1996 (5th ed.). This publication is not provided but is available upon Examiner's request.

Applicants have become aware of the following printed publications which may be material to the examination of this application:

- U.S. Patent No. 6,015,833 issued to Saebo *et al.* on 01/18/00.
- EP patent application No. 839,897 to Rinoru Oil Mills Co., LTD. describes a method for producing conjugated linoleic acid by alkali isomerization of linoleic acid contained in a fat or oil. This application does not disclose the isomer composition of the conjugated linoleic acid.
- U.S. Patent No. 5,986,116 to Iwata *et al.*, describes a method for producing conjugated linoleic acid by alkali isomerization of linoleic acid contained in a fat or oil. This application does not disclose the isomer composition of the conjugated linoleic acid.
- Scholfield and Koritalia, "A Simple Method for Preparation of Methyl trans-10,cis-12 Octadecadienoate," JOACS 47(8): 303 (1970) describe the preparation of methyl t10,c12 octadecadienoate from purified methyl linoleate. Scholfield and Koritalia do not disclose feed and food products containing an isomerized CLA composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- PCT Patent Application No. WO 97/18320 to Loders describes an enzymatic method for preparing CLA compositions enriched for the t10,c12 isomer or c9,t11 isomer. This application does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- EP Application No. 902,082 to Loders describes a method for production of material rich conjugated isomers of long chain polyunsaturated fatty acids.
- PCT Patent Application WO 98/49129 to Henkel describes in the abstract triglycerides containing at least one conjugated linolenic acid radical. This application does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- Sugano *et al.*, "Conjugated Linoleic Acid Modulates Tissue Levels of Chemical Mediators and Immunoglobulins in Rats," Lipids, 33(5):521-27 (1998), describe CLA

produced by non-aqueous alkali isomerization which contains 18.6% trans-trans isomers. Sugano, *et al.* do not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.

- U.S. Pat. No. 5,856,149 to Pariza *et al.*, describes an enzymatic method for producing c9,t11 CLA. Pariza, *et al.* do not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- U.S. Pat. No. 5,855,917 to Cook *et al.*, describes a method for controlling body fat and body weight by administering conjugated 20 carbon fatty acids. This patent does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- U.S. Pat. No. 5,851,572 to Cook *et al.*, describes a method of increasing fat firmness in animals and non-aqueous alkali isomerized CLA. This patent does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- U.S. Pat. No. 5,827,885 to Cook *et al.*, describes a method of treating animals to increase immune effector cells and enzymatically synthesized c9,t11 CLA. This patent does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- U.S. Pat. No. 5,814,663 to Cook *et al.*, describes a method of maintaining body fat in animals using non-aqueous alkali isomerized CLA. This patent does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.

- U.S. Pat. No. 5,804,210 to Cook *et al.*, describes a method of treating an animal to increase bone strength through administration of CLA. This patent does not disclose feed and food products containing an isomerized composition containing less than 2% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- Matreya Catalog, 1997, pp. 33-34, describes a purified preparation of c9,t11 CLA. This publication does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- Hudtwalcker & Co. AS Technical Data Sheet, exact publication date unknown, describes CLA compositions with various levels of CLA. This publication does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- Selin CLA Product Literature, 1/97, describes triglycerides incorporating CLA. This publication does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- Lipid Technology Newsletter, Peter J. Barnes, Ed., Vol. 4, No. 5, pp 85-86 (October, 1998), describes a Loders CLA product which contains approximately 80% of t10,c12 and c9,t11 isomers and minor amounts of other isomers. This publication does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- Natural Lipids Ltd. AS Technical Data Sheet, 1/20/97, describes CLA compositions with varying amounts of CLA. This publication does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.

- Ron Udell, Information About Conjugated Linoleic Acid, published by Soft Gel Technologies Incorporated, exact publication date unknown, describes the analysis of CLA products. This publication does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- PCT Patent Application WO 97/46230 to Wisconsin Alumni Research Foundation, describes a method for maintaining an existing level of body fat or body weight in a human through the administration of CLA. This application does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- U.S. Patent No. 5,208,356 to Pariza, *et al.* describes the use of salts and esters of CLA as antioxidants and inhibitors of mold growth. A method of making the c9,t11 isomer of CLA is also described. This patent does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- European Patent Application No. 440,325 to Wisconsin Alumni Research Foundation describes a method of chelalating metals in solution using CLA. This application does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- PCT Patent Application No. WO 98/05318 to Wisconsin Alumni Research Foundation describes the use of CLA to maintain or enhance the mineral content of the bones of an animal. This application does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- U.S. Patent No. 5,760,082 to Cook, *et al.* describes a dietetic food containing CLA. This patent does not disclose feed and food products containing an isomerized

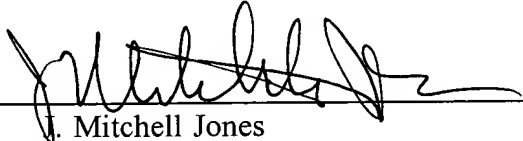
composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.

- U.S. Patent No. 5,554,646 to Cook, *et al.* describes the use of CLA to reduce body fat and preserve or increase body protein in an animal. This patent does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- U.S. Patent No. 5,585,400 to Cook, *et al.* describes the use of CLA to prevent or treat the adverse affects of type I or IgE mediated hypersensitivity and to preserve white blood cells. This patent does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- U.S. Patent No. 5,674,901 to Cook, *et al.* describes the use of CLA to maintain or elevate CD-4 and CD-8 levels in animals. A method for the production of CLA using bacteria isolated from a rat colon is also described. This patent does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- U.S. Patent No. 5,428,072 to Cook, *et al.* describes a method of enhancing weight gain and feed efficiency in an animal through the administration of CLA. This patent does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- U.S. Patent No. 3,729,379 to Emken describes a method for producing hydroxy-conjugated fatty acids from linoleic acid soaps using dimethyl sulfoxide and soybean lipxygenase. This patent does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.

- Belury, "Conjugated dienoic linoleate: a polyunsaturated fatty acid with unique chemoprotective properties," Nutr. Rev. 53: 83-9 (1995), describes the chemical background and chemoprotective properties of CLA. Belury does not disclose feed and food products containing an isomerized composition containing less than 1% of 11,13-octadecadienoic acid, 8,10-octadecadienoic acid, and trans, trans-octadecadienoic acid.
- Garcia, *et al.*, "Enrichment of butteroil with conjugated linoleic acid via enzymatic interesterification (acidolysis) reactions," Biotechnology letters 20:393 (1998) describe the incorporation of conjugated linoleic acids into butteroil triacylglycerides by microbial lipases. Garcia, *et al.* do not disclose feed and food products containing an isomerized CLA composition containing less than 1% of 11,13-octadecadienoic acid and 8,10-octadecadienoic acid.
- E.P. Patent application No. 779,033 A1 describes as edible fat spread containing triglycerides of CLA. This application does not disclose feed and food products containing an isomerized CLA composition containing less than 1% of 11,13-octadecadienoic acid and 8,10-octadecadienoic acid.

This Information Disclosure Statement under 37 C.F.R. §§ 1.56 and 1.97 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that anyone or more of these citations constitutes prior art.

Dated: April 10, 2000



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